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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
KAZUNORI KATO)	Examiner: C. Nolan, Jr.
Application No.: 09/981,821)	Group Art Unit: 2854
Filed: October 19, 2001)	
For: PROCESSING FOR)	
REASSIGNING PRINT JOBS)	
FOLLOWING PRINT ERROR)	
IN DISTRIBUTED PRINTING)	
U.S. Patent No. 6,941,865)	
Issued: September 13, 2005)	October 27, 2005

Office of Petitions
Box DAC
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION
OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.702(2)

Sir:

Patentee hereby requests reconsideration and recalculation of the Patent Term Adjustment (PTA) for the above-identified patent under 37 C.F.R. § 1.702(2). The \$200.00 fee set forth in 37 C.F.R. § 1.18(e) should be charged to Deposit Account No. 06-1205.

Pursuant to MPEP § 1002.02(b), it is believed that this Request should be directed to the Office of the Deputy Commissioner for Patent Examination Policy DA

For the following reasons, this patent is believed to be entitled to a PTA of 479 days.

11/01/2005 HBEYENE2 00000004 09981821

01 FC:1455 200.00 DA

RELIEF REQUESTED

Reconsideration of PTA is respectfully requested, so as to add 123 days charged to the USPTO's delay, and to result in a Patent Term Adjustment of 479 days.

Patentee's undersigned attorney may be reached in our Costa Mesa, CA office at (714) 540-8700. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Frank L. Cire', written over a horizontal line.

Frank L. Cire
Attorney for Patentee
Registration No. 42,419

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

CA_MAIN 104005v1

FACTS

1. Application No. 09/981,821, filed on September 13, 2003, is now U.S. Patent No. 6,941,865 (the '865 patent), which issued September 13, 2005.
2. The present patent is not subject to any Terminal Disclaimers.
3. The attached printout from the PAIR system indicates that the Issue Fee payment was received on August 30, 2004. This indication is not disputed.
4. The printout from the PAIR system indicates a determination of a total USPTO Delay of 479 days. This determination is not disputed.
5. The printout from the PAIR system indicates an Applicant Delay of 3 days from December 30, 2001 (implied) to January 2, 2004 for receipt of a "Response after Non-Final Action" (hereinafter, the "Response"). This Response corresponds to a filing entitled "AMENDMENT" (hereinafter, the "Amendment") which was filed on December 30, 2003. This determination is disputed and forms a partial basis of this request.
6. The printout from the PAIR system indicates an Applicant Delay of 120 days from October 30, 2005 for receipt of a Miscellaneous Incoming Letter (hereinafter, the "Letter"). This Letter corresponds to a filing entitled "Request For Corrected Notice of Allowance" (hereinafter, the "Request") which was filed on

August 30, 2005 with the payment of the issue fee. This determination is disputed and forms another partial basis of this request.

ARGUMENTS

1. It is respectfully submitted that the USPTO incorrectly deducted 3 days from the PTA for filing of the Amendment. The Amendment was deposited as first class mail on December 30, 2003, in accordance with 37 C.F.R. § 1.8(a). Furthermore, the Amendment included a signed certificate of deposit (copy attached) in accordance with 37 C.F.R. § 1.8(a)(1)(ii). Therefore, Patentee submits that the Amendment was a timely-filed response to the Rejection of September 30, 2003. As the Amendment was timely filed, Patentee submits that the determination of 3 days of PTA reduction attributed to filing of the Amendment, was in error.

2. It is further respectfully submitted that the USPTO incorrectly deducted 120 days for receipt of the Request. The Request (copy attached) was for correction of an error in the Notice of Allowability (copy attached). In the Notice of Allowability, the allowed claims are indicated as “20, 26, 27, 31-37, and 60.” However, the allowed claims should have read “20, 26, 27, 31-34, 36, 37, and 60.” As Applicant was merely trying to correct an error in the USPTO’s official correspondence, the Request did not constitute a failure by the Applicant “to engage in reasonable efforts to conclude prosecution of the application”, see 35 U.S.C. § 154. Therefore, Patentee submits that the determination of 120 days of PTA reduction attributed to filing of the Request was in error.

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
KAZUNORI KATO)
Appln. No.: 09/981,821)
Filed: October 19, 2001)
For: PROCESSING FOR)
REASSIGNING PRINT JOBS)
FOLLOWING PRINT ERROR)
IN DISTRIBUTED PRINTING)
Examiner: C. H. Nolan Jr.
Group Art Unit: 2854
December 30, 2003

Mail Stop Non-Fee Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Sir:

In response to the Office Action dated September 30, 2003, please amend the above-identified application as follows. Amendments to the claims are reflected in the listing beginning on page 2, and the Remarks begin on page 8.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

December 30, 2003

(Date of Deposit)

Leonard P. Diana (29,296)

(Name of Attorney for Applicant)

Leonard P. Diana
Signature

December 30, 2003

Date of Signature



00862.022410

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
KAZUNORI KATO)	Examiner: C. H. Nolan, Jr.
Application No.: 09/981,821)	Group Art Unit: 2854
Filed: October 19, 2001)	Confirmation No. 7593
For: PROCESSING FOR REASSIGNING)	
PRINT JOBS FOLLOWING PRINT)	
ERROR IN DISTRIBUTED PRINTING))	August 27, 2004

Mail Stop Issue Fee
Commissioner for Patents
P.O. BOX 1450
Alexandria, VA 22313-1450

REQUEST FOR
CORRECTED NOTICE OF ALLOWANCE

Sir:

The Notice of Allowability, attached to the Notice of Allowance mailed July 23, 2004, incorrectly identifies the allowed claims as "Claims 20, 26, 27, 31-37, and 60". The allowed claims should be Claims 20, 26, 27, 31-34, 36, 37, and 60.

Applicant requests that a corrected Notice of Allowance be issued, correctly identifying the allowed claims.

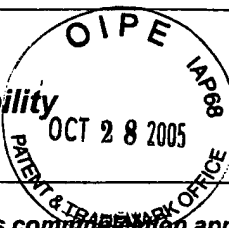
Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



Frank A. DeLucia
Attorney for Applicant
Registration No.: 42,476

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200
NYMAIN443642

Notice of Allowability

Application No.

09/981,821

Examiner

Charles H Nolan, Jr.

Applicant(s)

KATO, KAZUNORI

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 7-13-04.
2. ☒ The allowed claim(s) is/are 20,26,27,31-37 and 60.
3. ☒ The drawings filed on 19 October 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

BEST AVAILABLE COPY**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

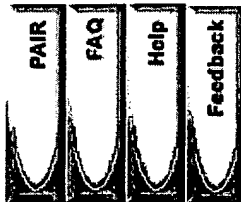
Charles H. Nolan, Jr.
Charles H Nolan, Jr.
Primary Examiner
Art Unit: 2854



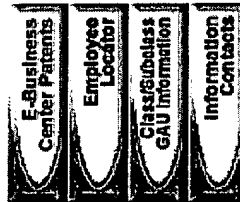
United States Patent and Trademark Office

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PATENT APPLICATION INFORMATION RETRIEVAL



Other Links



Printer Friendly Version

Patent Term Adjustment (PTA) for application number: 09/981,821			
			Days
Filing or 371(c) Date:	10-19-2001	USPTO Delay (PTO):	479
Issue Date of Patent:	09-13-2005	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL):	123
Post-Issue Petitions (days):	+0	Total PTA:	356
USPTO Adjustment (days):	+0	Explanation of Calculations	

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Assignments	Search
Display References	
File History	
Foreign Priority	
Image File Wrapper	
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Maintenance Fees Available: Mon-Fri 5:30 AM to Midnight, Sat-Sun-Hol. 7:30 AM to 8:00 PM E.T.

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Patent Term Adjustment History			
Date	Contents Description	PTO (days)	APPL (days)
09-13-2005	Patent Issue Date Used in PTA Calculation	257	
07-27-2005	Workflow - Query Request - Finish	↑	
07-26-2005	Mail Examiner's Amendment	↑	
07-20-2005	Examiner's Amendment Communication	↑	
07-18-2005	Case Docketed to Examiner in GAU	↑	
06-09-2005	Workflow - Query Request - Begin	↑	

05-27-2005	Receipt into Pubs	↑	
05-27-2005	Mail Miscellaneous Communication to Applicant	↑	
05-27-2005	Dispatch to FDC	↑	
05-27-2005	Application Is Considered Ready for Issue	↑	
08-30-2004	Issue Fee Payment Verified	↑	
05-26-2005	Miscellaneous Communication to Applicant - No Action Count		
05-26-2005	Receipt into Pubs		
08-30-2004	Miscellaneous Incoming Letter		120
03-23-2005	Receipt into Pubs	↑	
09-14-2004	Receipt into Pubs	↑	
08-30-2004	Issue Fee Payment Received	↑	
08-11-2004	Receipt into Pubs	↑	
08-04-2004	Workflow - File Sent to Contractor	↑	
07-23-2004	Mail Notice of Allowance	↑	
07-22-2004	Issue Revision Completed	↑	
07-22-2004	Notice of Allowance Data Verification Completed	↑	
07-20-2004	Date Forwarded to Examiner	↑	
07-20-2004	Date Forwarded to Examiner	↑	
07-13-2004	Request for Continued Examination (RCE)	↑	
07-20-2004	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)	↑	
07-13-2004	Workflow incoming amendment IFW	↑	
07-13-2004	Workflow - Request for RCE - Begin	↑	
04-09-2004	Mail Final Rejection (PTOL - 326)	↑	
04-05-2004	Final Rejection	↑	
01-29-2004	Date Forwarded to Examiner	↑	
01-02-2004	Response after Non-Final Action	3	
09-30-2003	Mail Non-Final Rejection	↑	
09-13-2003	Non-Final Rejection		
08-30-2003	Date Forwarded to Examiner		
08-27-2003	Response to Election / Restriction Filed		
07-29-2003	Mail Restriction Requirement	222	
07-28-2003	Requirement for Restriction / Election	↑	
10-22-2002	Case Docketed to Examiner in GAU	↑	

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12-11-2001	Request for Foreign Priority (Priority Papers May Be Included)	↑
01-16-2002	Case Docketed to Examiner in GAU	↑
01-10-2002	Case Docketed to Examiner in GAU	↑
12-06-2001	Miscellaneous Incoming Letter	↑
12-06-2001	Oath or Declaration Filed (Including Supplemental)	↑
12-14-2001	Application Dispatched from OIPE	↑
12-13-2001	Application Is Now Complete	↑
11-16-2001	Notice Mailed--Application Incomplete--Filing Date Assigned	↑
11-16-2001	Correspondence Address Change	↑
10-25-2001	IFW Scan & PACR Auto Security Review	↑
10-19-2001	Initial Exam Team nn	↑

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